IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3685 OF 2007

Narayan Shankar Dev : Petitioner

V/s.

Shree Laxmiee Narayan Devasthan & Ors. : Respondents

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Mr.U.P.Warunjikar for the petitioner.

Mr.S.S.Shah for respondent no.1.

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CORAM : S.A.BOBDE, J.

DATE : AUGUST 16, 2007.

P.C.

1. Rule, returnable forthwith.

Heard by consent.

2. The learned District Judge, Satara, has not discussed the sufficiency of the cause given by the petitioner for condoning the delay. There is no inquiry into the existence of the alleged Power of Attorney. The truth or otherwise of the petitioner's claim is that his brother who was entrusted with the conduct of the case did not inform the petitioner. The only reason given by the learned Judge, it is alleged, is vague and general. This constitutes an error of law apparent on the face of the

record and is liable to be interfered.

3. The impugned order dated 3.4.2007 is hereby set aside. The matter is remanded back to the District Judge, Satara, for a fresh decision, in accordance with law. The application shall be decided by the learned District Judge not later than two months from the date the parties appear before him. The parties are directed to appear before the learned District Judge on 27.8.2007.

4. The rule is made absolute in the above terms. The ad-interim relief to continue.

S.A. BOBDE, J.